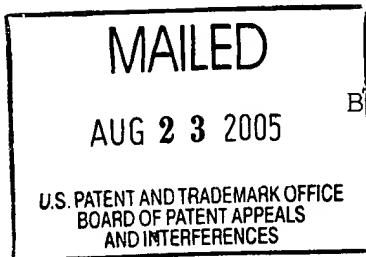


The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte TAKUJI GODA,  
MAKI NAKAMURA  
and  
TOSHIAKI MIZUNO

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Appeal No. 2005-2256  
Application No. 09/755,047

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ON BRIEF

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Before KIMLIN, GARRIS and OWENS, Administrative Patent Judges.  
KIMLIN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 8 and  
10. Claim 8 is illustrative:

8. A glass substrate for a display comprising:

an alkali-containing glass substrate;

an under layer for preventing diffusion of alkali ions  
formed on a surface of said alkali-containing glass substrate;

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a barrier film mainly formed of at least one of indium oxide and tin oxide, and deposited on the under layer;

an insulating film deposited on the barrier film and having a surface electrical resistance kept in a range from  $1.0 \times 10^6 \Omega/\square$  even after heating process at 550°C for 1 hour; and

an electrode film for forming a display panel deposited on the insulating film so that diffusion of metal ions of the electrode film into the glass substrate is substantially prevented by the barrier film and insulating film.

The examiner relies upon the following reference in the rejection of the appealed claims:

Tsai et al. (Tsai)	5,808,715	Sep. 15, 1998
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Appellants' claimed invention is directed to a glass substrate for a display panel, e.g., a plasma display panel, a liquid crystal display, etc. The substrate comprises an under layer, a barrier film of at least one of indium oxide and tin oxide, an insulating film on the barrier film having the recited surface electrical resistance, and an electrode film deposited on the insulating film.

Appealed claims 8 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tsai.

We have thoroughly reviewed the respective positions of appellants and the examiner. In so doing, we agree with appellants that the examiner has failed to establish a prima

facie case of anticipation. Accordingly, we will not sustain the examiner's rejection.

We concur with appellants that Tsai does not describe, within the meaning of § 102, an electrode film deposited on an insulating film. According to the examiner, "[e]lectrode film 10a is deposited on the TiO<sub>2</sub>-SiO<sub>2</sub> overcoat 15b (see Figure 2, and column 4, lines 3-14)" (page 5 of Answer). However, as depicted in reference Figure 2, Tsai describes a spacer that is disposed between electrodes 10a and 10b which separate the electrodes by a constant distance, which distance is filled with liquid crystal 17 and sealant 18 (see column 4, lines 41-45). Accordingly, based on this clear teaching in Tsai, we cannot subscribe to the examiner's position that electrode 10a of Tsai meets the claim 8 requirement of being "deposited on the insulating film" (emphasis added). In our view, when the claim language is read in light of the specification, it does not encompass the embodiment illustrated in Figure 2 of Tsai.

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Accordingly, based on the foregoing, the examiner's decision rejecting the appealed claims is reversed.

REVERSED

Edward C. Kimlin  
EDWARD C. KIMLIN )  
Administrative Patent Judge )

BRADLEY R. GARRIS  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

Terry J. Owens )  
TERRY J. OWENS )  
Administrative Patent Judge )

ECK:clm

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Application No. 09/755,047

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